

TITLE 25
ANIMALS

CHAPTER 33
IDAHO LIVESTOCK DEALER LICENSING

25-3301. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(1) "Board" means the state brand board created in [chapter 11, title 25](#), Idaho Code.

(2) "Bond equivalent" means a letter of credit or trust fund agreement that complies with the packers and stockyards act of 1921, as amended, and regulations promulgated thereunder.

(3) "Livestock" means cattle, swine, bison, horses, mules, or asses.

(4) "Livestock dealer" means any person who buys, receives or assembles livestock for his own account for resale within twenty (20) days from the date of purchase, or for the account of another person. This term also includes both a person who pays and a person who does not pay the owner or auction market the full purchase price at the time of taking possession of the livestock.

(5) "Person" means an individual, partnership, corporation, broker, order buyer, video livestock sale or other type of electronic marketing organization, association or other legal entity.

(6) "Representative of a licensee" means any full-time employee, agent or other person who buys, receives, sells, or assembles livestock for resale on behalf of a licensed livestock dealer.

[25-3301, added 1978, ch. 290, sec. 1, p. 710; am. 1990, ch. 182, sec. 1, p. 396; am. 1992, ch. 65, sec. 2, p. 199.]

25-3302. STATE BRAND BOARD -- ADDITIONAL DUTIES. The state brand board, in addition to other duties provided by law, shall administer the provisions of this chapter relating to livestock dealer licensing. The board shall meet annually, and more frequently if deemed necessary, for the purposes of administration of this chapter.

The board shall exercise the following powers and duties:

(1) Promulgate such rules as deemed necessary to implement and supplement the provisions of this chapter and provide for its orderly administration, pursuant to the provisions of [chapter 52, title 67](#), Idaho Code;

(2) Prescribe necessary information to be provided by applicants for licenses to determine if the requirements of this chapter have been met;

(3) Issue licenses to qualified applicants and collect appropriate fees;

(4) Revoke or suspend the license of, or refuse to issue a license to any person, licensee or applicant who violates any provision of this chapter; and

(5) Require the necessary record keeping by licensees and submission of written reports as warranted in order to carry out the provision and intent of this chapter.

[25-3302, added 1978, ch. 290, sec. 1, p. 710; am. 1990, ch. 182, sec. 2, p. 396; am. 1995, ch. 124, sec. 1, p. 541.]

25-3302A. AUTHORIZATION FOR RECORDS REVIEW. Any employee of the board or any representative of the bureau of animal health of the Idaho department of agriculture is authorized to review, during normal business hours, the records and transactions of a licensee or representative of a licensee.

[25-3302A, added 1990, ch. 182, sec. 3, p. 397.]

25-3303. LICENSE REQUIRED. Any person doing business as a livestock dealer in the state of Idaho must secure an annual license from the board. A fee of one hundred dollars (\$100) shall accompany any such application for initial issuance or renewal. In addition, a fee of thirty-five dollars (\$35.00) shall be paid for each authorized representative of a licensee. Such fees so received are not returnable and shall be deposited in the state brand account created in section [25-1161](#), Idaho Code. Upon determination that the applicant is qualified, the board shall issue a license to the applicant and all annual licenses shall terminate and become void each successive June 30th.

[25-3303, added 1978, ch. 290, sec. 1, p. 711; am. 1990, ch. 182, sec. 4, p. 397; am. 2011, ch. 55, sec. 4, p. 120.]

25-3304. LICENSE REVOCATION OR SUSPENSION. In the event the board has reason to believe a licensee is guilty of violating any of the provisions of this chapter, including the rules and regulations promulgated hereunder, the board shall conduct a hearing to determine if the license shall be suspended or revoked. Hearings conducted pursuant to this section shall comply with the provisions governing contested cases, [chapter 52, title 67](#), Idaho Code.

Following the hearing, the board may (1) permanently revoke the license, (2) temporarily suspend the license, or (3) suspend the license for a definite time period, or (4) impose on the individual operating without a license or violating any other provision of this chapter a civil penalty of one hundred dollars (\$100) per day.

[25-3304, added 1978, ch. 290, sec. 1, p. 711; am. 1990, ch. 182, sec. 5, p. 397.]

25-3306. PROHIBITED ACTS. The following actions are prohibited:

- (1) Acting as a livestock dealer without an adequate surety bond or bond equivalent and a valid license issued by the board;
- (2) Failure to maintain records as required by the board, especially the names and addresses of sellers and buyers of livestock;
- (3) Failure to provide access to all records required of such licensee by the board;
- (4) Buying or selling livestock under an assumed name or address. All livestock sales shall be evidenced by a written bona fide name and address of buyer and seller;
- (5) Violation of any valid rule, regulation or statute governing livestock disease control; and
- (6) Operating as a livestock dealer in the state of Idaho while suspended or revoked from acting as a livestock dealer by the United States pursuant to the packers and stockyards act of 1921, as amended.

[25-3306, added 1978, ch. 290, sec. 1, p. 711; am. 1990, ch. 182, sec. 7, p. 398; am. 1996, ch. 88, sec. 1, p. 269.]

25-3308. INJUNCTION. The board, on determining that any person may have violated any provision of this chapter, may petition for injunctive relief from further violation. Such petition shall be addressed to the district court in the county in which the offense occurred or in which the offender has his principal place of business or is doing business or resides. The district court, on determining that probable cause of a violation of this chapter exists, shall issue appropriate injunctive relief.

[25-3308, added 1978, ch. 290, sec. 1, p. 711.]

25-3309. PENALTY. To operate as a livestock dealer without a valid license, or otherwise violate the provisions of this chapter, shall be a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000).

[25-3309, added 1978, ch. 290, sec. 1, p. 711; am. 1990, ch. 182, sec. 9, p. 398.]

25-3310. BOND REQUIRED OF A LICENSE HOLDER. (1) Each applicant to whom a license to act as a livestock dealer is issued shall:

(a) File a bond of a surety company authorized to do business in this state; or

(b) File a copy of the bond or bond equivalent required by the United States under the provisions of the packers and stockyards act of 1921, as amended, and regulations promulgated thereunder; or

(c) Approve the application by a person declaring to be a representative of the licensee by signature and include such representative under the bond or bond equivalent required pursuant to this section. The bond shall include the provisions required by the regulations promulgated pursuant to the packers and stockyards act of 1921, as amended, 9 C.F.R., part 201, section 201.31(c), known as condition clause 3.

(2) The amount of the bond must be based on the applicant's annual volume of purchases, including purchases made by a representative of the licensee, according to a schedule adopted by the board; provided, however, that the bond shall be not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000).

(3) All bonds must be renewed or continued in force to cover dealer transactions during the period that the license is valid.

[25-3310, added 1990, ch. 182, sec. 10, p. 398; am. 1996, ch. 88, sec. 2, p. 269.]

25-3311. LIVESTOCK DEALER -- TRANSACTIONS OF AGENT OR REPRESENTATIVE. A livestock dealer shall be responsible for any livestock transaction conducted by his agent or representative, if the nature of that transaction would otherwise require a livestock dealer's license.

[25-3311, added 1997, ch. 91, sec. 1, p. 217.]